

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0990-MWD-E TCEQ ID: RN102681483 CASE NO.: 33865
RESPONDENT NAME: Houston Oaks Golf Management Company, L.P.

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Houston Oaks Golf Management, located on the Tennwood Recreational property, which is approximately 2.5 miles north of the intersection of Hegar Road and Farm-to-Market Road 2920 in Waller County, Texas</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 9, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Ms. Shelley Young, Utility Operations Manager, Houston Oaks Golf Management Company, L.P., 17230 Huffmeister Road, Cypress, Texas 77429 Mr. John T. Montgomery, General Manager, Houston Oaks Golf Management Company, L.P., 17230 Huffmeister Road, Cypress, Texas 77429 Respondent's Attorney: Mr. Brad B. Castleberry, Lloyd Gosselink Attorneys at Law, 816 Congress Avenue, Suite 1900, Austin, Texas 78701</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 6, 2007</p> <p>Date of NOV/NOE Relating to this Case: June 15, 2007 (NOE)</p> <p>Background Facts: This was a routine records investigation. Two violations were documented.</p> <p>WATER</p> <p>1) Failure to comply with the permitted effluent limitations for Total Suspended Solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12402001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to timely submit the annual sludge report for the monitoring period ending July 31, 2006 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12402001, Sludge Provisions].</p>	<p>Total Assessed: \$5,859</p> <p>Total Deferred: \$1,171 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,688</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent submitted the annual sludge report for the reporting period ending July 31, 2006 on June 20, 2007.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 12402001.</p>

Additional ID No(s): TPDES 12402001



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 25, 2007

TCEQ

DATES

Assigned

18-Jun-2007

PCW

19-Jun-2007

Screening

19-Jun-2007

EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent Houston Oaks Golf Management Company, L.P.

Reg. Ent. Ref. No. RN102681483

Facility/Site Region 12-Houston

Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No. 33865

Docket No. 2007-0990-MWD-E

Media Program(s) Water Quality

Multi-Media

No. of Violations 2

Order Type 1660

Enf. Coordinator Libby Hogue

EC's Team Enforcement Team 3

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$3,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

94% Enhancement

Subtotals 2, 3, & 7

\$2,914

Notes

A 94% enhancement is recommended for having 18 NOV's for same or similar violations and two NOV's for non-similar violations in the past five years.

Culpability

No

0% Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

\$0

Extraordinary

Before NOV

NOV to EDPRP/Settlement Offer

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement*

Subtotal 6

\$0

Total EB Amounts \$176
Approx. Cost of Compliance \$2,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$6,014

OTHER FACTORS AS JUSTICE MAY REQUIRE

3%

Adjustment

\$155

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Recommended reduction in penalty to prevent double-enhancement of the penalty amount for same violations that were not self-reported.

Final Penalty Amount

\$5,859

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$5,859

DEFERRAL

20%

Reduction

Adjustment

-\$1,171

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$4,688

Screening Date 19-Jun-2007

Docket No. 2007-0990-MWD-E

PCW

Respondent Houston Oaks Golf Management Company, L.P.

Policy Revision 2 (September 2002)

Case ID No. 33865

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN102681483

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	18	90%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 94%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

A 94% enhancement is recommended for having 18 NOVs for same or similar violations and two NOVs for non-similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 94%

Screening Date 19-Jun-2007		Docket No. 2007-0990-MWD-E		PCW	
Respondent Houston Oaks Golf Management Company, L.P.		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 33865		<i>PCW Revision May 25, 2007</i>			
Reg. Ent. Reference No. RN102681483					
Media [Statute] Water Quality					
Enf. Coordinator Libby Hogue					
Violation Number 1					
Rule Cite(s)		Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12402001, Effluent Limitations and Monitoring Requirements No. 1			
Violation Description		Failed to comply with the permitted effluent limitations. See attached table.			
		Base Penalty		\$10,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual			x	
	Potential				Percent 10%

>> Programmatic Matrix

		Falsification			
	Release	Major	Moderate	Minor	
	Actual				
	Potential				Percent 0%

Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
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Adjustment	\$9,000
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	\$1,000
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Violation Events

Number of Violation Events	3	Number of violation days	151
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<i>mark only one with an x</i>	daily		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Violation Base Penalty	\$3,000
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Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount	\$167	Statutory Limit Test
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Violation Final Penalty Total	\$5,670
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This violation Final Assessed Penalty (adjusted for limits)	\$5,670
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Economic Benefit Worksheet**Respondent** Houston Oaks Golf Management Company, L.P.**Case ID No.** 33865**Reg. Ent. Reference No.** RN102681483**Media** Water Quality**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	31-Jul-2006	31-Mar-2008	1.7	\$167	n/a	\$167

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the date respondent is anticipated to achieve compliance.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance** \$2,000**TOTAL** \$167

Screening Date	19-Jun-2007	Docket No.	2007-0990-MWD-E	PCW
Respondent	Houston Oaks Golf Management Company, L.P.			Policy Revision 2 (September 2002)
Case ID No.	33865			PCW Revision May 25, 2007
Reg. Ent. Reference No.	RN102681483			
Media [Statute]	Water Quality			
Enf. Coordinator	Libby Hogue			
Violation Number	<input type="text" value="2"/>			
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. 12402001, Sludge Provisions			
Violation Description	Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006, as documented during a record review conducted on June 6, 2007.			
Base Penalty				<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="1%"/>
Matrix Notes	Greater than 70% of the rule requirement was met.				
Adjustment					<input type="text" value="\$9,900"/>

Violation Events

Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="326"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	
One single event is recommended.			

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$9"/>	Violation Final Penalty Total <input type="text" value="\$189"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$189"/>	

Economic Benefit Worksheet

Respondent Houston Oaks Golf Management Company, L.P.

Case ID No. 33865

Reg. Ent. Reference No. RN102681483

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	30-Sep-2006	20-Jun-2007	0.7	\$9	n/a	\$9

Notes for DELAYED costs

The estimated cost to generate and submit the annual sludge report. Date required is the date the noncompliance started and the final date is the date respondent came into compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$9

ATTACHMENT

Effluent Violation Table
Houston Oaks Golf Management Company, L.P.
TPDES Permit No. 12402001 (Outfall 001A)
Docket No. 2007-0990-MWD-E

Permitted Effluent Limits	Monitoring Period End Date				
	07/31/06	11/30/2006	12/31/2006	01/31/2007	02/28/2007
TSS Daily Avg. 15 mg/L (concentration)	16.0	20.2	19.0	48.0	15.3
TSS Daily Max (Single Grab) 60 mg/L	C	C	C	80.0	C
TSS Daily Avg. 1.3 lbs./day (concentration)	C	C	C	1.47	C

TSS = Total Suspended Solids	mg/L = milligrams per liter
Avg. = average	C = Compliant
lbs./day = pounds per day	

Compliance History

Customer/Respondent/Owner-Operator:	CN601550106	Houston Oaks Golf Management Company, L.P.	Classification: AVERAGE	Rating: 0.84
Regulated Entity:	RN102681483	THE HOUSTON OAKS GOLF MANAGEMENT	Classification: AVERAGE	Site Rating: 0.84
ID Number(s):	WASTEWATER	PERMIT	WQ0012402001	
	WASTEWATER	PERMIT	TPDES0086053	
	WASTEWATER	PERMIT	TX0086053	
	WASTEWATER	PERMIT	WQ0012402001	
	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2370030	
	AIR NEW SOURCE PERMITS	REGISTRATION	55767	
	WASTEWATER LICENSING	LICENSE	WQ0012402001	
	WATER LICENSING	LICENSE	2370030	
	UNDERGROUND INJECTION CONTROL	PERMIT	5X2600345	

Location: ON THE TENNWOOD RECREATIONAL PROPERTY, WHICH IS APPROXIMATELY 2.5 MILES NORTH OF THE INTERSECTION OF HEGAR ROAD AND FARM-TO-MARKET 2920 IN WALLER COUNTY, TEXAS

Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: June 18, 2007

Agency Decision Requiring Compliance: Enforcement

Compliance Period: June 18, 2002 to June 18, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Libby Hogue Phone: 512-239-1165

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner?

Caldwell Watson
 Real Estate Group,
 Inc.

 El Paso
 Corporation

 Houston Oaks Golf
 Management
 Company, L.P.

 El Paso Services
 Co

 Tennessee Gas Pipeline Company

 Kollwood Golf Operating LP
4. If Yes, who was/were the prior owner(s)?
5. When did the change(s) in ownership occur?

03/06/2003

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A
- B. Any criminal convictions of the state of Texas and the federal government.

N/A
- C. Chronic excessive emissions events.

N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	06/21/2002	(208762)
2	07/22/2002	(208765)
3	08/23/2002	(208768)
4	09/20/2002	(208771)
5	10/18/2002	(208774)
6	11/20/2002	(208777)
7	12/20/2002	(208780)
8	01/21/2003	(208783)
9	02/20/2003	(208750)
10	03/21/2003	(316891)
11	04/18/2003	(208756)
12	05/20/2003	(316894)
13	06/03/2003	(60293)
14	06/23/2003	(316895)
15	07/21/2003	(316896)
16	09/02/2003	(316897)

17 09/12/2003 (248643)
 18 09/19/2003 (316898)
 19 10/17/2003 (316899)
 20 11/20/2003 (316900)
 21 12/11/2003 (253765)
 22 12/22/2003 (316901)
 23 01/20/2004 (316902)
 24 02/20/2004 (316890)
 25 03/10/2004 (316892)
 26 04/20/2004 (316893)
 27 05/20/2004 (361116)
 28 06/21/2004 (361117)
 29 06/29/2004 (278240)
 30 07/20/2004 (361118)
 31 08/27/2004 (361119)
 32 09/01/2004 (361120)
 33 09/20/2004 (361121)
 34 10/22/2004 (361122)
 35 11/22/2004 (361123)
 36 12/20/2004 (386982)
 37 01/20/2005 (386983)
 38 03/07/2005 (386980)
 39 03/24/2005 (386981)
 40 04/26/2005 (424770)
 41 05/26/2005 (424771)
 42 06/14/2005 (424772)
 43 07/18/2005 (398197)
 44 07/22/2005 (445440)
 45 09/27/2005 (445441)
 46 10/28/2005 (476921)
 47 11/28/2005 (476922)
 48 12/19/2005 (476923)
 49 01/18/2006 (476924)
 50 03/01/2006 (476919)
 51 03/27/2006 (476920)
 52 04/24/2006 (503734)
 53 05/26/2006 (503735)
 54 06/21/2006 (503736)
 55 07/18/2006 (526087)
 56 08/22/2006 (485300)
 57 08/28/2006 (526088)
 58 09/28/2006 (526089)
 59 12/08/2006 (532995)
 60 06/15/2007 (563327)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 09/31/2002 (208771)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)(G)
 Description: Failure to meet the limit for one or more permit parameter

Date 10/31/2002 (208777)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)(G)
 Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2002 (208780)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)(G)
 Description: Failure to meet the limit for one or more permit parameter

Date 12/31/2002 (208783)
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)(G)
 Description: Failure to meet the limit for one or more permit parameter

Date 06/03/2003 (60293)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure to maintain all related appurtenances in a watertight condition. In this connection, the leaking gate valve located at well C (known as B well) must be repaired or replaced as necessary.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to maintain the regulated entities by not repairing the fence at the well site.

Date 12/10/2003 (253765)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the permit requirement for daily average flow and peak flow.

Date 02/29/2004 (316892)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2004 (361117)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2004 (361118)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2004 (386982)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date 07/14/2005 (398197)
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to provide a pressure tank inspection report showing that pressure tank had been inspected internally and externally.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failure to provide a ground storage tank inspection report showing that ground storage tank had been inspected internally and externally.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(G)
Description: Failure to provide an annual backflow prevention test report for the waste water treatment plant at the time of the investigation.
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Failure to post an ownership sign at the plant and well sites.

Date 07/31/2005 (361120)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date 08/31/2005 (445441)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date 01/31/2006 (476919)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2006 (526088)
Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)(G)
 Description: Failure to meet the limit for one or more permit parameter
 Date 09/22/2006 (485300)
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
 30 TAC Chapter 30, SubChapter J 30.350(d)
 Description: Failure to employ an operator with adequate wastewater certification.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure to provide a current copy of an annual test report form for the back flow prevention device.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to calibrate the flow meter annually.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
 Description: Failure to perform effluent monitoring at the frequency specified by the
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(e)
 Description: Failure to report all sample measurements.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
 Description: Failure to properly complete the discharge monitoring reports (DMRs).
 Date 11/30/2006
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)(G)
 Description: Failure to meet the limit for one or more permit parameter
 Date 12/31/2006
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)(G)
 Description: Failure to meet the limit for one or more permit parameter
 Date 01/31/2007
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)(G)
 Description: Failure to meet the limit for one or more permit parameter
 Date 02/28/2007
 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)(G)
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HOUSTON OAKS GOLF
MANAGEMENT COMPANY, L.P.
RN102681483**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0990-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Houston Oaks Golf Management Company, L.P. ("Houston Oaks") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Houston Oaks appear before the Commission and together stipulate that:

1. Houston Oaks owns and operates a wastewater treatment facility located on the Tennwood Recreational property, which is approximately 2.5 miles north of the intersection of Hegar Road and Farm-to-Market Road 2920, in Waller County, Texas (the "Facility").
2. Houston Oaks has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Houston Oaks agree that the Commission has jurisdiction to enter this Agreed Order, and that Houston Oaks is subject to the Commission's jurisdiction.
4. Houston Oaks received notice of the violations alleged in Section II ("Allegations") on or about June 20, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Houston Oaks of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Five Thousand Eight Hundred Fifty-Nine Dollars (\$5,859) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Houston Oaks has paid Four Thousand Six Hundred Eighty-Eight Dollars (\$4,688) of the administrative penalty and One Thousand One Hundred Seventy-One Dollars (\$1,171) is deferred contingent upon Houston Oaks' timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Houston Oaks fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Houston Oaks to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Houston Oaks have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Houston Oaks submitted the annual sludge report for the reporting period ending July 31, 2006 on June 20, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Houston Oaks has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Houston Oaks is alleged to have:

1. Failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12402001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on June 6, 2007 and as indicated in the table below.

Effluent Violation Table					
Permitted Effluent Limits	Monitoring Period End Date				
	07/31/06	11/30/2006	12/31/2006	01/31/2007	02/28/2007
TSS Daily Avg. 15 mg/L (concentration)	16.0	20.2	19.0	48.0	15.3
TSS Daily Max (Single Grab) 60 mg/L	C	C	C	80.0	C
TSS Daily Avg. 1.3 lbs./day (concentration)	C	C	C	1.47	C

TSS = Total Suspended Solids	mg/L = milligrams per liter
Avg. = average	C = Compliant
lbs./day = pounds per day	

- Failed to timely submit the annual sludge report for the monitoring period ending July 31, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12402001, Sludge Provisions, as documented during a record review conducted on June 6, 2007.

III. DENIALS

Houston Oaks generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that Houston Oaks pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Houston Oaks' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Houston Oaks Golf Management Company, L.P., Docket No. 2007-0990-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Houston Oaks shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 12402001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Mr. Steven Smith, Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Houston Oaks. Houston Oaks is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Houston Oaks fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Houston Oaks' failure to comply is not a violation of this Agreed Order. Houston Oaks shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Houston Oaks shall notify the Executive Director within seven days after Houston Oaks becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and

substantiated showing of good cause. All requests for extensions by Houston Oaks shall be made in writing to the Executive Director. Extensions are not effective until Houston Oaks receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Houston Oaks in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Houston Oaks, or three days after the date on which the Commission mails notice of the Order to Houston Oaks, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/7/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

Sept. 27, 2007
Date

JOHN T. MONTGOMERY
Name (Printed or typed)

GENERAL MANAGER
Title

Authorized Representative of
Houston Oaks Golf Management Company, L.P.

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

